

**IMPORTANT MESSAGE FROM THE BOARD
AND THE
MAINE DEPARTMENT OF PUBLIC SAFETY**

The Board of Pharmacy and the Department of Public Safety (DPS) have received many inquiries since the rules governing security requirements for all written prescriptions for drugs classified as schedule II drugs under the federal Controlled Substances Act and the Code of Federal Regulations took effect on January 1, 2003. A list of Frequently Asked Questions (FAQs) together with answers has been developed for your information as a pharmacist. As a point of clarification, these rules are adopted by the DPS; the oversight rests with the Maine Drug Enforcement Agency (MDEA). We encourage you to take the time to read these questions and answers. Please direct questions about the DPS rule to Roy McKinney, Director of the Maine Drug Enforcement Agency, at (207) 287-3877.

- Q. #1.** Must a prescription for a Schedule II drug written by a prescriber from outside the State of Maine be written on the new security blanks described in the Maine Department of Public Safety rules?
- A.** *YES. Regardless of where the prescription originated, ALL written prescriptions for Schedule II drugs presented to a Maine pharmacist for dispensing may only be written on the security prescription blanks as ordered by Maine law 32 MRSA § 13786-A.*
- Q. #2.** Can I fill a Schedule II prescription on the old format if that prescription is dated prior to January 1, 2003?
- A.** *YES. A prescription that is dated before January 1, 2003 is not affected by this requirement because the rules were not in effect when this prescription was written.*
- Q. #3.** What happens if the practitioner writes more than one prescription for a patient and the prescription is dated prior to January 1, 2003 with specific instructions such as “DO NOT FILL BEFORE FEBRUARY 1st”? Are these prescriptions still legal to fill on the old blanks?
- A.** *YES. As long as these prescriptions are all dated (the date the drug order is written by the practitioner) before January 1, 2003.*
- Q. #4.** A prescriber may petition the Department of Public Safety for a waiver for prescription blanks that provide substantially equivalent protection against forgery. How can the pharmacists 1] find out who was issued a waiver, and 2] for how long the waiver was issued for?
- A.** *You have a couple of choices; you can call the Department of Public Safety at (207) 287-3877 or you can view the listing of waivers granted by DPS on the internet by visiting our homepage at: www.maineprofessionalreg.org. This listing is updated almost on a daily basis. Although this listing is published on at our web site for the*

convenience of the pharmacists, the data published is from DPS. Questions about the listing should be directed to DPS.

- Q. #5.** The prescription does not have the words “security” or “the company’s name” in the watermark. Can I fill this prescription if that is the only problem with the prescription?
- A. YES.** *The Department of Public Safety has advised that as long as the watermark is there, then this would meet intent of the regulation. Another watermark method (machine watermark) that is formed during manufacture of the paper has been approved as substantially equivalent to the printed watermark. This diagonal feature can be viewed by looking at paper toward a light source. Because a machine watermark is formed during manufacturing, it appears as lines not letters.*
- Q. #6.** The word ‘VOID’ does not appear when the security prescription is photocopied, but the word “ILLEGAL” or some other similar identifier appears, and all other security requirements are present. Is this considered to be a valid security prescription form?
- A. YES.** *DPS considers this to be a legal prescription form and the medication should be dispensed. Pharmacists should be aware that as copier resolution has improved, the “WORD” pattern sometimes will not appear if they attempt to photocopy the document. The whole point is to prevent the perpetrator from duplicating blanks; it is not expected for a pharmacist to determine compliance with this security feature.*
- Q. #7.** A clinic uses one common security prescription, which lists more than one prescriber on the form. The prescriber using these forms circles his or her name as opposed to actually printing or typing his or her name. Is this accepted?
- A. YES.** *The prescription may be filled providing that the prescriber has signed the prescription and noted (circled) his/her name on the blank. Absent obvious tampering, the pharmacist should use his/her professional judgment as to the validity of the prescription and whether a call to the prescriber is necessary or not. The intent is not to cause a delay in dispensing the prescription.*
- Q. #8.** If a prescription for a Schedule II drug for a “Hospice Patient” is faxed from the physician’s/prescriber’s office, does the prescriber need to follow the fax up with a prescription written on the new security prescription form?
- A.** *If these are situations where there is a direct dispensing of the drug to a patient by a health care provider, the (DPS) rule does not apply. While there may be a doctor’s order transmitted to an RN, LPN, or other health care provider regarding the patient and their medication, these are not “written prescriptions” under the rule. A “written prescription” is limited to a prescription furnished to a patient to be presented at a pharmacy.*

Q. #9. Are Long Term Care orders for Schedule II prescriptions required on the security prescription blanks?

A. *NO. As long as the patient is in the facility and the medication is being delivered to the patient at the facility. If the prescription is furnished to the patient and brought to the pharmacy to be filled, then the order must be written on the security prescription form.*

Q. #10. The DPS rule states that the Schedule II security prescription form must have a thermal ink spot on the form, which disappears when rubbed and reappears as it cools. Is a prescription legal if the “thermal ink spot” is not on the “back” but rather on the front of the form or merely fades?

A. *The rule does not specify the placement of the thermal-sensitive word or symbol on the prescription blank. Some vendors offer a thermo-sensitive feature that fades rather than disappearing completely, which is found to be substantially equivalent to what the rule requires. Any deviation to the rule requires a DPS waiver. You should check the waiver listing online or contact DPS. Some vendors have presented samples of security prescription forms requesting prior approval for use of these forms. These vendors have approached prescribers or are advertising that they offer forms that are accepted by DPS. For information on approved vendors, please contact the DPS.*

Q. #11. Does the quantity and the strength both need to be written out?

A. *Only the number for the quantity must be written out. Eg: #40 Forty. Absent obvious tampering, the pharmacist should use his/her professional judgment as to the validity of the prescription and whether a call to the prescriber is necessary or not. The intent is not to cause a delay in dispensing the prescription.*

Q. #12. If the prescriber forgets to write the quantity out must I refuse the prescription and make the patient go back to the physician for a new prescription?

A. *NO. As a pharmacist you have the discretion to make a professional judgment to call the prescriber and verify the information. You must, however, be sure to document your verification call.*

Q. #13. The size of the prescription is not (4¼” X 5½”) as specified by rule; it is (5 ½” X 4 ¼”), in other words it is printed landscape instead of portrait. Is this considered to be a legal prescription and still be filled?

A. *YES. The DPS rule does not specify portrait or landscape printing, so this still would be considered a legal prescription. Any other size requires a waiver by DPS.*

Q. #14. May more than one prescription be written on the prescription blank?

A. *NO. Section 4(D) of the (DPS) rule specifies that only one (1) prescription shall be written per prescription blank.*